

MINUTES OF BENTON COUNTY QUORUM COURT

May 26, 2016

A regular meeting of the Benton County Quorum Court was held on Thursday, May 26, 2016 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

In the absence of the County Judge, County Attorney George Spence stated that it would be necessary to elect a chairperson to preside over the meeting.

JP Adams made motion to elect JP Moore, seconded by JP J. Harrison.

Nominations ceased.

County Attorney George Spence declared JP Moore elected by acclamation.

JP Moore called the meeting to order.

Quorum Court Coordinator Stefanie Laputz called roll as follows:

14 JPs Present: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 JPs Absent: Shadlow

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. Pastor Shane Pair of Oakley Chapel led the prayer.

CHANGES TO THE AGENDA:

None.

MINUTES:

JP J. Harrison made motion to approve the minutes of the April 28, 2016 Quorum Court meeting as distributed, seconded by JP Slinkard.

There being no discussion, a show of hands vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Minutes approved as distributed.

ELECTED OFFICIALS REPORTS:

Sheriff Meyer Gilbert gave a brief update on the reorganization at the Sheriff's Office. He reported that the command staff has been reorganized as follows:

- Chief Deputy - Shawn Holloway
- Major of Operations - Robert Bersi
- Major of Administration - Jeremy Guyll
- Captain of Special Operations Division - Kenneth Paul
- Captain of Criminal Investigation Division - Adam Howard
- Captain of Patrol - Andy Lee

In addition to the command staff changes, they have also created two new positions. On the enforcement side, they have created an Internal Affairs Investigator. They combined the CID Lieutenant position and hired a new employee, Lieutenant Ed Motsinger, to fill this position. On the jail side, they resolved and combined the Disciplinary Sergeant position and created a Jail Investigator. This position is manned by a seasoned criminal investigator that investigates the leads in the prosecution of all criminal internal matters that occur in the jail. He stated that these two positions were greatly needed and they have managed to avoid asking for new positions through restructuring.

Sheriff Gilbert reported that, during their reorganization, they have assumed some new task force assignments. They are sending deputies to be members of the DEA Agency Task Force, the Internet Crimes Against Children Task Force, and the Homeland Security Investigation Task Force. In addition, he has a meeting with the FBI to have a deputy become a member of the area Regional Gang Task Force. Sheriff Gilbert reported that they are also working on relationship building with the municipalities. He stated that he attended this month's regional chiefs of police meeting to establish a leadership relationship with them, and to make sure they understand that the Benton County Sheriff's Office resources are there for them to use if the need arises. He said that they also have members of the command staff going around to these agencies, assuring that these relationships are being built on the command staff level.

Sheriff Gilbert reported that they have reinstated monthly meetings of area narcotics agents and narcotics agencies. They also kicked off Lake Safety Awareness; this was done in partnership with the US Coast Guard Reserve, Arkansas Game and Fish, US Corp of Army Engineers, area volunteer fire department and rescue units, and the Benton County Sheriff's Department. He stated that they had a law enforcement hands-on meet and greet with Willowbrook Elementary. He said that they will continue these community events and do a lot more of them in the future. He stated that one of the command staff members attended the area Legislative Criminal Justice Task Force meeting where they address prison overcrowding.

Sheriff Gilbert then reviewed some of their ongoing projects. He stated that their Standard Operating Procedure has not been updated since 2007. He said that they have purchased a new SOP guideline for the enforcement division and one for the jail. These policies are best practices nationwide and they are judicially reviewed. Along with these policies, they will get updates judicially twice a year. The staff is going through these policies and tailoring them to fit the Benton County Sheriff's Office; this should be done in the next two weeks and these will then be issued to the officers.

Sheriff Gilbert reported that accountability standardization has been addressed by the creation of the Internal Affairs Lieutenant, and the purchase of the internal affairs program and Bluetooth software. This program tracks all of their internal affairs, as well as provides the database needed to confidentially store internal affairs cases.

Sheriff Gilbert reported that the Sheriff's Office has the goal to move toward community service-oriented policing. He said that they have started focusing more on the unincorporated areas and in assisting the smaller agencies as much as possible. He said that they gave the Centerton Police Department three tactical vests last week to use in case of active shooter response; they are also planning some additional training with that department. He said that deputies are going to become more visible, more professional, and more approachable. Vehicles will be more clearly marked with white doors, high definition Sheriff decals, and individual markings that identify each unit for accountability. They are also going to phase out the black, military-style uniforms and go back to the traditional Sheriff colors of khaki and green; the existing black uniforms will be utilized in the jail.

Sheriff Gilbert closed by saying that the reorganization changes have been well thought out, keeping in mind the goal of servicing the citizens of Benton County. He said that accountability, standardization and fiscal responsibility have all been top priorities. The welfare and morale of the tremendous employees at the Sheriff's Office has been one of the top goals considered in each change that has taken place. He thanked the Quorum Court and the Sheriff's Office employees who have been so patient as they have worked toward excellence at the Sheriff's Office.

COUNTY JUDGE'S REPORT/COUNTY PROPERTY DISPOSAL REPORT:

JP Moore presented the County Judge's report as follows:

- Great River Engineering is working on the rehabilitation design for the War Eagle Bridge project. They are working on 90% drawings for review. The tentative bid date is August.
- The Benton County Historic Courthouse interior renovations per the Walton Foundation Grant are in progress. The relocation back to the courthouse for the Prosecuting Attorney's office is scheduled for September 02, 2016.
- The Benton County Jail Expansion project is underway and progressing.
- Perkowitz & Ruth/Cromwell/Dewberry has completed the needs assessment study final report for the Benton County Justice Facility. The report will be presented to the Public Safety Committee on June 07, 2016.
- The paving of the county roads leading to the new Bentonville West High School are partially complete with full completion delayed due to issues out of our control. They should be complete by mid-June.

The April Property Disposal Report was presented to the JPs from the dashboard.

COMMITTEE REPORTS:

JP Allen reported that a Finance Committee meeting was held on May 05, 2016.

Comptroller Brenda Guenther reported that March had poor sales tax results but it was recouped in April. At the end of April, they were ahead for the year at 0.83% and now they are over 1%; they are right on task to be at the budgeted \$8 million for sales tax.

PUBLIC COMMENTS:

Mike Clifford of Bentonville expressed his appreciation to the Quorum Court for their hard work and dedication. He stated that JP Allen said at the last Finance Committee meeting that he does not favor mid-year salary adjustments, yet at the same meeting the JPs approved a request for a machine to determine if a fire is caused by arson. He stated that the machine was not on the additional request for the Sheriff's Department for 2016. He said that the County has already spent \$2 million over budget for the year for the jail. In addition, the County only receives 1% sales tax while Bentonville and Rogers receive 2% and they do not have this machine. He stated that he does not know if this machine is needed. He believes that this request should be prioritized and submitted with all the budget requests for the Sheriff's Department for 2017. He said he does not see any difference between acquiring new equipment and making mid-year salary adjustments. He does not believe that this was properly vetted or discussed. Chief Deputy Shawn Holloway stated that it was not part of their budget; the Fire Marshal requested it. Sue Keith Elverston of Pea Ridge thanked Sheriff Gilbert for giving a Sheriff's report.

JP J. Harrison made motion to suspend the rules and read all ordinances and resolutions by title only, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Motion to suspend the rules, passed.

OLD BUSINESS:

None.

NEW BUSINESS:

- (A) Proposed Resolution Re-appointing Jana Jobe as the Quorum Court Representative to the Benton County Equalization Board for a Three-Year Term; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the proposed resolution by title only.

JP Slinkard stated that the Quorum Court has to appoint a member to the Benton County Equalization Board this year. She said that this resolution came out of Committee of the Whole and will re-appoint Jana Jobe for a three-year term.

JP Slinkard made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Resolution duly adopted and assigned **No. R-2016-28.**

- (B) Proposed Resolution Authorizing the County Judge of Benton County to Apply for a GIF Fire Protection Grant on Behalf of Hickory Creek Volunteer Fire Department; Sponsor: JP Jerry Sheridan

County Attorney George Spence read the proposed resolution by title only.

JP Sheridan stated that this resolution authorizes the county judge to submit an application to secure State grant funds.

JP Sheridan made motion to adopt, seconded by JP J. Harrison.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Resolution duly adopted and assigned **No. R-2016-29.**

- (C) Proposed Resolution to Provide for the Interim Filling of a Vacancy in the Office of Benton County Sheriff During Times of Emergency and for Other Purposes; Sponsor: JP Kevin Harrison

County Attorney George Spence read the proposed resolution by title only.

JP K. Harrison said that this is a resolution that states the line of succession if something were to happen to the Sheriff until the Quorum Court could appoint a new Sheriff.

JP K. Harrison made motion to adopt, seconded by JP Sandlin.

JP Moore stated that this is done every term.

County Attorney George Spence said that it is supposed to be done every term, it is updated from time-to-time, and it only applies in emergencies declared by the governor.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Resolution duly adopted and assigned **No. R-2016-30.**

- (D) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0102, Circuit Clerk, Fund 1805; Sponsor: JP Mary L. Slinkard

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Slinkard stated that workstations were ordered and installed in 2015; they were not correct and had to be redone. They reinstalled them this year and this appropriation ordinance appropriates the money for that reinstallation.

JP Slinkard made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-19.**

- (E) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Appropriating Additional Monies and Authorizing the Appropriation of Additional Revenues and Expenditures in Department 0502, Benton County Fire Services, Fund 1000; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring stated that this appropriation ordinance is for the investigation detection meter mentioned earlier in public comment. He stated that Fire Marshal Marc Trollinger made an excellent case for it. He said that it is important to note that, while it was not budgeted, it comes from revenues derived from the

sale of some fire equipment and has no impact on the budget. He said that Mr. Trollinger said that this will be the only device of its kind in the County and can also be used by some of our partners in the cities and that it passed unanimously out of the Finance Committee and Committee of the Whole.

JP Moehring made motion to adopt, seconded by JP Chiocco.

JP Allen stated that he agrees with JP Moehring. He said that, in reference to the public comment, this is a one-time purchase; mid-year salary adjustments are not a one-time purchase as they are ongoing.

JP Slinkard asked what type of equipment was sold.

Comptroller Brenda Guenther stated that they sold two fire engines; the sale price was quite good so he asked to use some of the proceeds for this purchase.

JP Leadabrand asked about this being available for use by other agencies in Benton County.

JP Moehring stated that it will be the only device of its kind in the County and would be made available to other fire departments if they needed it. For the most part, it would be available for investigating arson cases in unincorporated areas of Benton County, as well as for the partnership with the Sheriff's Office. He stated that, since it was excess money from the sale, he feels that Fire Marshal Marc Trollinger did the right thing in requesting it.

There being no further discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-20**.

- (F) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (2016 Benton County Budget) Authorizing a Transfer of Funds Between Categories and Line Items in Department 0130, Environmental Services, Fund 1000; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring stated that Administrator of General Services John Sudduth's group was able to procure a used grapple truck from Florida; they had enough savings from that truck to purchase some travel, insurance, and maintenance. He stated that this a very reasonable use of funds and has no net budget impact.

JP Moehring made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-21**.

- (G) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0480, Juvenile Probation, Fund 1000; Sponsor: JP Michelle Chiocco

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Chiocco stated that this appropriation ordinance is for the training certification of three staff members in Juvenile Probation; it is a non-net zero appropriation of \$2,800 from Salaries into Meals and Lodging.

JP Chiocco made motion to adopt, seconded by JP Sandlin.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-22**.

- (H) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0480, Juvenile Probation, Fund 3031; Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring stated that this appropriation ordinance is to pay out the remainder of the expense of a part-time position this year in Juvenile Probation. He stated that this passed the Finance Committee and Committee of the Whole unanimously.

JP Moehring made motion to adopt, seconded by JP Chiocco.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-23**.

- (I) Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2015-69 (**2016** Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0414, Circuit Court Division 3, Fund 3752;
Sponsor: JP Barry Moehring

County Attorney George Spence read the proposed appropriation ordinance by title only.

JP Moehring stated that this appropriation ordinance is essentially a clean-up ordinance; there was some money remaining in FY 2015 and this allows it to be used in FY 2016.

JP Moehring made motion to adopt, seconded by JP Jones.

There being no discussion, a roll call vote was recorded as follows:

14 Yeas: Sheridan, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Slinkard, Leadabrand, Moore, Meyers, Moehring

1 Absent: Shadlow

Appropriation ordinance duly adopted and assigned **No. O-2016-24**.

OTHER BUSINESS:

JP Jones stated that he has a wedding scheduled in Rogers on Saturday and he has to go a funeral. He asked if anyone else could perform the wedding in his absence but no JPs were available.

JP K. Harrison suggested that the JPs take up a collection to send flowers to Holly Lee's funeral as Andy Lee was Sheriff for twelve years and she was his sounding board. He stated that the County cannot pay for it but he would like to collect money for this purpose from the Quorum Court members.

JP Moore asked if JP K. Harrison would handle the purchase of the flowers.

JP K. Harrison stated that either JP Adams or he would do it.

JP Moore suggested that anyone who wants to contribute see JP K. Harrison after the meeting.

JP Slinkard stated that she would add to the County Judge's report that they had an official ribbon-cutting ceremony for the Stagecoach Bridge; she was happy to participate in this event.

JP Anglin stated that the Tracy Moorman family from the Gravette area was selected as the Benton County Farm Family of the Year for 2016.

ANNOUNCEMENTS:

JP Jones announced a Public Safety Committee meeting to discuss the needs assessment study on June 07, 2016 and determine whether to move into the next part of the project. He said that this meeting is after the Finance Committee meeting on June 02, 2016; if they want to move forward with it, they would need to send it to the June 14, 2016 Committee of the Whole meeting. He stated that there is a possibility that, if the Public Safety Committee decides to move forward with the next section of work they would need to appropriate monies.

JP Allen said that he would prefer that this go through the Finance Committee.

Discussion was held about the timing of the project and the possibilities of either moving the Finance Committee meeting or calling a special Finance Committee meeting. It was ultimately decided to keep the meetings as scheduled.

JP Adams announced that he will be calling a Transportation Committee meeting in July with the date still to be determined. He said that this meeting's agenda will include Great River Engineering's War Eagle project, a sign ordinance, and a construction practices ordinance that need to be adjusted to modern standards. He would like to have the meeting prior to the August bid-date on War Eagle Bridge.

JP Chiocco announced that there will be a grievance hearing. The date will be determined by tomorrow and an email will be sent out.

County Attorney George Spence stated that the grievance hearing had to be rescheduled from June 01, 2016 because there is a planning board meeting in the Quorum Courtroom at the same time. He said they are leaning toward June 06, 2016, but are waiting to get all parties confirmed for that date.

JP Moehring stated, in regards to the War Eagle project, it would be great to have an update on the \$500,000 Transportation Alternative Program Grant at the Transportation Committee meeting.

ADJOURNMENT:

JP J. Harrison made motion to adjourn, duly seconded.

JP Moore declared the meeting adjourned at 6:55 p.m.

Respectfully submitted,

Tena O'Brien
County Clerk

Prepared by: Stefanie Laputz